

SPECIAL SESSION

JOURNAL OF THE FLORIDA SENATE

Wednesday, December 8, 1971

The Senate was called to order by the President at 10:30 a.m. A quorum present—48:

Mr. President	Daniel	Johnson (29th)	Poston
Arnold	Deeb	Johnson (34th)	Reuter
Barron	de la Parte	Karl	Saunders
Barrow	Ducker	Knopke	Sayler
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Bishop	Graham	Lewis (43rd)	Trask
Boyd	Gunter	McClain	Ware
Brannen	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson

Prayer by Father Sean O'Sullivan, of Saint John The Apostle Church, Hialeah, Florida:

Dear God, our Father, bless these people who are your secular priests. They are the instruments of your peace for bettering the lot of many Floridians who are caught in the vicious cycle of poverty, bad living conditions and drug abuse. Help them not to get discouraged in their efforts to make good and just laws so that this state of ours may become a place where each living person may have an opportunity to grow into a person of full stature, a person of dignity and usefulness, because it is in God's image that we were created. At a time like this we remember the words of the song "No man is an island." Whenever one of our brothers suffers, so do we all because we are all irrevocably bound together in the common brotherhood of man. We remember also that any chain is as strong only as its weakest link. We cannot stand idly by as the very texture of our society is weakened by poverty, lack of opportunity and even injustice. Some day, perhaps in the near future, we will all be tested from without or within and any weakness then will lead to the destruction of us all. Give us the courage then to become involved in the great humanitarian struggle to save so many of our young people, especially those who are involved in drug addiction, so that we may become instruments of your peace so that where there is hatred we may sow love, where there is injury, pardon, where there is doubt, faith, where there is despair, hope, where there is darkness, light and where there is sadness, joy. O God, if there is any kindness we can do this day for anyone with any problem, let us try to do it now because we shall not pass this way again. Amen.

The Journal of December 7 was corrected and approved.

The President announced the appointment of Senator Boyd as a member of the Conference Committee on HJR 11-D in lieu of Senator Horne.

Excused: Senators Barron, Boyd, Karl, Wilson, Lewis (43rd) and McClain, periodically for the purpose of working on the Conference Committee report on HJR 11-D.

The President determined the following bill to be within the purview of the expanded call of the Governor:

SB 28-D—A bill to be entitled An act relating to the department of health and rehabilitative services, division of family services, making a supplemental appropriation; providing additional moneys for the remainder of the 1971-72 fiscal year, to pay cost of certain medical care programs; repeals section 17 of chapter 71-357, Laws of Florida, relating to county participation; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics recommends that the following bills do not fall within

the purview of the call of the Governor but should be considered during this special session: SB 31-D, SB 46-D, SB 47-D, SB 50-D. The Committee recommends that the following bills do not fall within the purview of the call of the Governor and should not be considered during this special session: SB 34-D, SB 39-D, HB 25-D, HB 26-D.

On reconsideration the Committee recommends that the following bill does not fall within the purview of the call of the Governor but should be considered during this special session: SB 21-D.

Respectfully submitted,
GEORGE L. HOLLAHAN, JR.
Chairman

The Committee on Ways and Means recommends a Committee Substitute for SB 27-D.

The bill with Committee Substitute attached was placed on the calendar.

The Committee on Ways and Means recommends the following pass:

HB 30-D with 2 amendments	SB 28-D
HB 33-D with 1 amendment	SJR 32-D with 6 amendments
HB 43-D with 2 amendments	

The bills were placed on the calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate amendments to HJR 11-D and the Speaker has appointed Representatives D'Alemberte, Sessums, Crabtree, Reed, Santora and Tittle as House Conferees.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended—

By Representative Martinez—

HB 41-D—A bill to be entitled An act relating to the non-partisan election of certain justices and judges; amending §2 of chapter 71-49, Laws of Florida, to provide that the first and second nonpartisan elections shall be held at the time of the second primary election and the general election, respectively; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 41-D, contained in the above message, was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed as amended—

By the Committee on Appropriations—

CS for HB 40-D—A bill to be entitled An act relating to the department of health and rehabilitative services, division of family services, making a supplemental appropriation; providing additional moneys for the remainder of the 1971-72 fiscal year, to pay cost of certain medical care programs; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 40-D, contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Criminal Justice—

CS for HB 38-D—A bill to be entitled An act relating to the law enforcement officers minimum foundation program financing; amending section 163.550, Florida Statutes, to provide the inclusion of section 163.562, Florida Statutes, in the short title; amending section 163.552, Florida Statutes, providing definitions; creating section 163.5531, Florida Statutes, providing for the financing of the program; providing restrictions for participation to law enforcement officers earning at least six thousand dollars (\$6,000); providing requirements for eligibility and participation; providing for certain educational criteria to be met to qualify for participation; providing that the maximum amount to be received from the appropriations provided pursuant to this act shall not exceed one hundred thirty dollars (\$130); providing that the police standards council shall set rules and regulations; providing restrictions on local units to prevent circumventing any local units present or currently planned normal pay increases; creating section 163.562, Florida Statutes, providing for a no strike provision; providing appropriations; repealing sections 163.553, 163.554, 163.555 and 163.556, Florida Statutes; providing for no severability; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 38-D, contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committees on Judiciary—Criminal and Ways and Means.

The Honorable Jerry Thomas
President of the Senate

December 7, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended—

By Representative Gustafson—

HB 54-D—A bill to be entitled An act relating to regulation of traffic; amending Chapter 316, Florida Statutes, to provide for provisions, maintenance and control of roads within local governments; providing for enactment of ordinances to vest jurisdiction of violations of this chapter in certain local courts; providing for certain traffic court systems; amending section 901.15, Florida Statutes, to provide for arrest by a peace officer for offenses under Chapter 316; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 54-D, contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Transportation.

Senator Broxson moved that the rules be waived and CS for HB 38-D be withdrawn from the Committees on Judiciary—Criminal and Ways and Means. The motion failed.

SENATE RESOLUTIONS ON SECOND READING

SR 44-D—A Resolution In Memoriam Frederick Mortimer (Ted) Cabot, Jr.

WHEREAS, no more apt exponent of the words—Thou hast been faithful over a few things, I will make thee Lord over many things—can be found than is exemplified in the life of the late Ted Cabot; and

WHEREAS, his devotion to duty, his determination in the face of seemingly insurmountable odds, his faithfulness over a few things leading to his sway over many things, the genuinely great and good life that he lived leaves an example which well might be emulated by all men, and

WHEREAS, his untimely going has left a void in his community, a sense of great loss to those who had the privilege of knowing him as a co-worker, and a sadness in the hearts of his friends and family, and

WHEREAS, we would recount some of his achievements as an inspiration to posterity and as a testimonial of the esteem in which he was held, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

IN MEMORIAM

FREDERICK MORTIMER (TED) CABOT, JR.

—who was born at Hobe Sound in Martin County, Florida, on February 5, 1917, the son of Frederick and Sallie Crenshaw Cabot, both of whom survive him. He became a resident of Broward County in 1922, moving there with his parents.

His early ambition was to be a famous football player and coach. He was ardently pursuing his aspirations, quarterbacking a Junior high school football team in Ft. Lauderdale when a foot injury resulting in a crippling disease ended his athletic career. This happened during depression years, when the family was unable to provide necessary monetary outlays for doctors and treatments. However, adversity did nothing to deter his determination to succeed. He worked after school for infinitesimal sums and was graduated from Ft. Lauderdale High School in 1936. College being out of the question, he studied bookkeeping and accounting through a correspondence course. He was succeeding in this field when he made a successful race for Clerk of the Circuit Court of Broward County in 1944. During nine years he served in this post unopposed for reelection. That he attained the confidence and respect of those he served in this public office is evidenced by the fact that he was the recipient of the Good Government Award of Broward County's Junior Chamber of Commerce in which he was honored for his years of service that "effected savings to the taxpayers of thousands of dollars".

He accomplished the most unusual feat of persuading the University of Miami Law School to accept his background in bookkeeping and accounting and his experience as Court Clerk in

lieu of an undergraduate degree and after four years of night school, in February 1953, was graduated from the University of Miami School of Law, LLB, cum laude.

He resigned the Circuit Court Clerkship and was elected to the Florida Senate in 1954 from the 30th Senatorial District, at that time comprised of Broward County. His legislative service was attended and executed with that same earnest attention to duty, industriousness and integrity which so characterized his life's work. He served as Chairman of the Senate Standing Committee on Drainage and Water Conservation, 1955-1957; Vice Chairman of Prisons and Convicts, 1955, Vice Chairman of Privileges and Elections, 1957, and saw service as a member of numerous major Senate Committees during his four-year term. He earned the lasting confidence and esteem of his legislative colleagues.

On May 28, 1959, he was appointed by Governor LeRoy Collins as a Judge of the Circuit Court for the Fifteenth Judicial Circuit of Florida, at that time composed of Broward and Palm Beach Counties. On January 3, 1961, he was recommissioned for a six-year term. Consequent legislation changed the county of his residence to the Seventeenth Judicial Circuit composed of Broward County alone. On August 15, 1966, he resigned the Circuit Court judgeship and received an appointment as United States District Judge for the Southern District of Florida, in which office he was serving with distinction at the time of his sudden demise on December 4, 1971.

He was a member of the Presbyterian Church and in addition to his parents is survived by his widow, Mrs. Louise Cook Cabot, one son, Bruce; four daughters: Mrs. Ann Edwaard of Columbia, S. C., Sallie, Marie and Mary Beth Cabot; one brother, Linwood Cabot, and two sisters, Mrs. Mary Bailey and Mrs. Virginia DeSchipper, all of Ft. Lauderdale.

He has left with colleagues at county, state and federal levels an unusual example of good citizenship, of perseverance in the face of adversity, of conscientious and earnest endeavor which causes his untimely death to be mourned as the loss of an invaluable member of society.

BE IT FURTHER RESOLVED that a copy of this Resolution, duly attested, under the Seal of the Florida Senate, be delivered to the members of his family together with the condolences of this Senate Body.

—was read the second time in full. On motion by Senator Pope, SR 44-D was unanimously adopted.

Senators Pope, Bishop, Bell and Weber were recognized in turn and paid tribute to their former colleague as a true friend, an indefatigable worker, an unselfish and public spirited citizen, an able legislator and jurist dedicated to sound principles of good government.

AMENDMENTS TO SENATE RULES

The Committee on Rules, Calendar, Privileged Business and Ethics recommended the following amendments to the Senate Rules which were adopted on motions by Senator Daniel:

Rule 2.5, Page 21, Paragraph 2, is amended as follows:

2.5—(2) Before any standing committee or standing subcommittee of the Senate holds a meeting while the legislature is not in session, a notice of said meeting, with the number of each bill to be considered, stating date, time and place, shall be filed with the Secretary of the Senate at least seven (7) fourteen (14) days prior thereto. The Secretary shall give notice to the membership at least seven (7) days prior to said meeting.

Rule 2.13, Page 24, Paragraph 2 is amended to read as follows:

2.13—A standing committee, in reporting a Senate bill, joint resolution, resolution, or memorial, may draft a new measure embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure. A Senate committee may not recommend a Senate Committee Substitute for a House Bill. The substitute measure must be accompanied by the original measure referred to the committee and returned to the Secretary in the same manner as the favorable reporting of any other measure. No other standing committee of reference shall consider the original measure but shall direct its attention to the substitute measure. A committee receiving a committee substitute from a prior committee of reference may also report a committee substitute and shall not be precluded from

doing so with the substance of the bill as originally introduced. When the original measure is reached upon the calendar, the substitute shall be read a first time by title, the original proposition shall be automatically tabled and the substitute considered in lieu thereof without motion. The substitute shall carry the identifying number of the original and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure [an original (1) and five (5) exact copies for bills]. Although a committee substitute may treat the substance of several bills pending before the committee, the committee report shall address itself to only one of such bills in reporting a committee substitute.

Rule 3.2, beginning top of page 39, is amended as follows:

(TRIPLE SPACE)

Be It Enacted by the Legislature of the State of Florida:

(TRIPLE SPACE)

Section 1 _____

Section 2 _____

The original and five (5) copies of each measure must be backed with a yellow jacket of the type jackets prescribed by the Secretary and furnished by the Sergeant at Arms. On these jackets shall be inscribed the full name of the introducer and any co-introducers, and enough of the title for identification.

All general bills and joint resolutions shall be prepared on paper with 31 numbered lines beginning eight (8) spaces from the top of the page. The text shall be completely within vertical guide lines drawn six (6) five and one-half (5½) inches apart, with the words "A bill to be entitled" appearing on the third numbered line. Regardless of the typestyle used, there shall be no more than 54 spacing units for any one line.

Rule 3.3, Page 40, is amended as follows:

3.3—All bills shall be introduced in an original (1) and five (5) exact copies. They shall contain a proper title, as defined in section 6 of Article III of the Constitution, and the enacting clause, "Be It Enacted by the Legislature of the State of Florida:". The title of each bill shall be prefaced by the words, "A bill to be entitled An act" wherever the title appears on the text of the bill. Capitalize only the first letter of a sentence, name of person, city, state, or county. Lower case all other words in the title.

A bill shall be typewritten in pica type or larger, using a black typewriter ribbon, or mimeographed or printed in black, according to prescribed form without erasures or interlineations on plain white paper of legal size.

Six (6) title sheets are required to be attached by paper clip to the top of the original copy of each bill. Title sheets are furnished by the Sergeant at Arms of the Senate with carbons already inserted. Do not remove the carbons from the title sheets.

On each title sheet there must be typed, glued, or taped in the space provided a brief summary of the title including the subject content of the bill and sections amended. If the title is short, the entire title may be used on the title sheet. Capitalize only the first letter of a sentence, name of person, city, state, or county. Lower case all other words in the title. The title sheets with carbons unseparated must be attached by paper clips to the top of the original copy of the bill before bill can be introduced or filed.

The original (1) and five (5) copies must have clearly stamped on the jacket of each, above the space provided for the number, "Original, Duplicate, Third Copy, Fourth Copy, Fifth Copy, House Copy."

Rule 3.5, Page 41, is amended to read:

3.5—All joint resolutions shall be introduced in an original (1) and seven (7) exact copies. They shall contain the resolving clause, "Be It Resolved by the Legislature of the State of Florida:". Each joint resolution shall be prefaced by the words: "A Joint Resolution proposing an Amendment to the Constitution of the State of Florida". No title sheet shall be required for joint resolutions. Jackets shall be attached to the original (1) and five (5) copies of each resolution. The two (2) remaining unbacked copies shall be attached to the inside of the original copy of the resolution by paper clip for introduction.

Rule 3.6, Pages 41 and 42, is amended to read:

3.6—All memorials—these express the opinion of the Legislature to the Congress of the United States—shall be introduced in an original (1) and seven (7) exact copies. They shall contain the resolving clause "Be It Resolved by the Legislature of the State of Florida:". No title sheet shall be required for memorials. Jackets shall be attached to the original (1) and five (5) copies of each memorial. The two (2) remaining unbacked copies shall be attached to the inside of the original copy of the memorial by paper clip for introduction.

Rule 3.9, Page 43, Paragraph 3, is amended as follows:

3.9—(3) The secretary shall promptly forward each referenced bill to the chairman of the first or only committee of reference. A copy of each prefiled bill, reflecting the referencing data, shall be mailed to each Senator. The Secretary shall regularly mail to each Senator a calendar of all prefiled bills, including the referencing data for each bill, and of all committee hearings, including the bills noticed for hearing by each.

Rule 13.4, Page 71, is amended as follows:

13.4—All bills and other measures for introduction may be delivered to the Secretary of the Senate at anytime.

Conference committees may not report a conference committee substitute but may offer an amendment striking all after the enacting clause, with appropriate title amendment.

Add a new section 3.15, page 46, as follows:

3.15—Fiscal notes. All general bills or joint resolutions affecting revenues, expenditures or fiscal liability shall be accompanied by a fiscal note upon being favorably reported by the Ways and Means Committee. Fiscal notes shall reflect the estimated increase or decrease in revenues or expenditures and the present and future fiscal implications of the bill or joint resolution. The fiscal note shall not express opinion relative to the merits of the legislation proposed, but may identify technical or mechanical defects.

The staff of the Ways and Means Committee shall be responsible for preparing fiscal notes and shall solicit the cooperation of appropriate state agencies for necessary data.

Fiscal notes shall be regarded as memoranda of factual information and shall be made available to members of the Senate in the same manner as printed bills.

In the event that any bill or joint resolution affecting revenues, expenditures or fiscal liability is reported favorably by the Ways and Means Committee without a fiscal note having been prepared, it shall be the right of any Senator to raise a point of order on second reading and the President shall order return of the bill or joint resolution to the Ways and Means Committee. A fiscal note prepared for a Senate bill or joint resolution shall be presumed as prepared also for its House companion.

Senator Myers presiding.

Rule 4.6, Page 50 is amended to read as follows:

4.6—All bills authorizing, carrying, requiring or affecting appropriations, authorizing bond issues or modifying financial procedures, shall be referred to the Ways and Means Committee. All bills substantially affecting tax revenue matters, so as to increase, decrease, alter, impose, or remove a tax, license fee or charge, or amend its exemptions, use, disposition, distribution, or collection procedures, shall be referred to the Ways and Means Committee, except that the President, in his discretion, and with the consent of the Chairman of the Committee on Ways and Means, may waive the requirement that bills relating to license fees be also referred to the Committee on Ways and Means. Such bills may also be referred to other standing committees at the discretion of the President. If a bill which in its original form did not meet the criteria for Ways and Means referral is amended, either in committee or on the floor, so as to meet these criteria, the bill with amendment shall then be referred to Ways and Means Committee. If a bill which has been referred to Ways and Means Committee as a result of a floor amendment is then reported favorably by the Committee, it shall be returned to the calendar at the same reading as when referred and shall be a continuing and special order of business for the day following the receipt of the report by the Secretary. If a bill is reported favorably by a committee other than the

Ways and Means Committee which did not call for or affect an appropriation or affect a tax matter, and an amendment offered either from the floor or by the reporting committee and adopted, does call for or affect an appropriation or affect a tax matter, then the bill with amendment shall be referred to the Committee on Ways and Means. The bill, if then reported favorably, shall be returned at the same reading as when referred.

Claims bills shall not require referral to the Ways and Means Committee. However, the Committee on Personnel, Retirement and Claims, shall provide the Ways and Means Committee the amount recommended for payment and the identity of the fund from which payment is to be made in each claims bill reported favorably.

Rule 2.4, Page 20, is amended by adding a new paragraph to read:

2.4—No committee shall make application for or utilize funds, personnel, services, or facilities from either private or public sources other than those budgeted by or provided for by the Senate for committee purposes unless approval of the Committee on Rules, Calendar, Privileged Business and Ethics is first obtained.

Rule 2.1, Page 18, is amended to read as follows:

2.1—

WAYS AND MEANS

Subcommittee on Appropriations A

Subcommittee on Appropriations B

~~Subcommittee on Finance and Taxation~~

Subcommittee on Appropriations C

On Page 42, Rule 3.8—Strike entire Rule and insert the following:

3.8—To facilitate the process of committee reference, all bills and other measures for introduction prepared by the Senate Legislative Service Division shall be delivered to the Secretary no later than 12:00 o'clock noon of the second day preceding introduction. To facilitate the summarizing of legislative measures, all bills and other measures not prepared by the Senate Legislative Service Division shall be delivered to the Secretary not later than 12:00 o'clock noon of the fourth day preceding introduction, unless said bill or measure shall be earlier returned to the Secretary with a summary attached. In which event, the Secretary shall schedule said bill or measure for introduction on the next succeeding day. This rule may be waived only upon unanimous consent, the motion for which shall not be entertained unless the movant thereof shall have first notified the Senate orally, not less than thirty (30) days preceding the motion, of his intention to move for the waiver of this rule so as to have introduced a specific bill or bills sponsored by him. The adoption of such motion shall be construed as reverting the Senate to the Order of Introduction and Reference of Bills solely for the reception of said bill or bills for formal introduction and reference. During the last seven (7) days of the legislative session, this rule may be suspended or altered by resolution originating in the Rules, Calendar, Privileged Business and Ethics Committee.

Between regular session of the legislature, bills, joint resolutions, resolutions, and memorials may be prefiled by delivery to the Secretary of the Senate. The Rules, Calendar, Privileged Business and Ethics Committee shall develop rules and procedures concerning the interim referral, consideration, disposition, and reporting of bills thus prefiled.

The President presiding.

The Committee on Rules, Calendar, Privileged Business and Ethics recommended the following amendment to the Senate Rules which was moved by Senator Hollahan:

On page 15 of the Senate Rules, Part III of Rule 1 is amended by adding a new section to be styled 1.301 to read:

1.301—There is hereby created a Division of Management and Personnel to be administered by a Director who shall be appointed by and serve at the pleasure of the President of the

Senate, provided that such appointment shall be upon the advice and consent of the Committee on Rules, Calendar, Privileged Business and Ethics.

It shall be the responsibility of the Director to administer the affairs of the Division of Management and Personnel and to employ, discharge, assign and coordinate the activities of all Senate staff with the concurrence of the President of the Senate except the personal staff of a Senator and those assigned to the Secretary of the Senate and the Sergeant at Arms, provided, however, that no committee staff director shall be employed or discharged without the concurrence of the President of the Senate and the respective committee chairman.

On motion by Senator Scarborough the following amendment to the foregoing amendment was adopted:

Line 18, strike "director"

The amendment as amended was adopted.

On motion by Senator Hollahan the Senate recessed at 1:03 p.m. to reconvene at 2:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:30 p.m. A quorum present—35:

Mr. President	Childers	Hollahan	Poston
Arnold	Daniel	Horne	Reuter
Barrow	Deeb	Johnson (29th)	Saunders
Beaufort	Ducker	Johnson (34th)	Sayler
Bell	Fincher	Knopke	Scarborough
Bishop	Gong	Lane	Stolzenburg
Brannen	Graham	Lewis (33rd)	Ware
Brantley	Haverfield	Ott	Weber
Broxson	Henderson	Pope	

Senators de la Parte, Gunter, Weissenborn, Trask, Myers, Williams and Plante were excused periodically for the purpose of working on the Conference Committee Report on CS for HB 16-D.

Senators Barron, Boyd, Karl, Wilson, Lewis (43rd) and McClain were excused periodically for the purpose of working on the Conference Committee Report on HJR 11-D.

Senator Daniel moved that the Senate reconsider the vote by which the amendment to Rule 2.4 was adopted this day. The motion was adopted.

Senator Brantley moved the following substitute amendment for the amendment to Rule 2.4 which was adopted:

On page 1, strike lines 3-9 and insert: 2.4—No committee, nor senator, shall make application for or utilize Federal funds, personnel, services, or facilities unless approval of the Committee on Rules, Calendar, Privileged Business and Ethics is first obtained.

SECOND READING

HB 30-D—A bill to be entitled An act relating to taxation and finance; repealing Articles III and IV of the Multistate Tax Compact, section 213.15, Florida Statutes; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Gunter:

Amendment 1—On page 1, line 13 strike Section 2 and insert: Section 2. Paragraph 214.71(3)(a), Florida Statutes, is amended to read:

214.71 Apportionment; general method.—Except as otherwise provided in sections 214.72 and 214.73, the base upon which any tax made applicable to this chapter shall be apportioned shall be determined by multiplying same by a fraction, the numerator of which is the sum of the property factor, the payroll factor and the sales factor, and the denominator of which is

three (3). In the event any of the factors described in subsections (1), (2) or (3) has a denominator which is zero or is determined by the department to be insignificant, the denominator of the apportionment fraction shall be reduced by the number of such factors.

(3) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(a) Sales of tangible personal property are in this state if+

(1) the property is delivered or shipped to a purchaser within this state, regardless of the f.o.b. point or other conditions of the sale; or

(2) the property is shipped from an office, store, warehouse, factory, or other place of storage in this state, and either the purchaser is the United States government or the taxpayer is not subject to a comparable tax on the sale in the state of the purchaser.

Section 3. This act shall take effect on January 1, 1972.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Gunter:

Amendment 2—On page 1, line 7 following the semi-colon insert: repealing subparagraph 214.71(3)(a)(2), Florida Statutes;

On motion by Senator Gunter, HB 30-D as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—38

Mr. President	Daniel	Hollahan	Poston
Arnold	Deeb	Johnson (29th)	Reuter
Barrow	de la Parte	Johnson (34th)	Sayler
Beaufort	Ducker	Knopke	Scarborough
Bell	Fincher	Lane	Trask
Bishop	Gong	Lewis (33rd)	Ware
Brannen	Graham	Myers	Weissenborn
Brantley	Gunter	Ott	Williams
Broxson	Haverfield	Plante	
Childers	Henderson	Pope	

Nays—None

On motion by Senator de la Parte, the Senate recessed at 3:10 p.m., awaiting the call of the President.

The Senate was called to order by the President at 4:15 p.m. A quorum present.

Senator Haverfield moved that the rules be waived and SB 29-D be withdrawn from the Committee on Ways and Means. The motion failed by the following vote:

Yeas—14

Bishop	Graham	Lewis (43rd)	Ware
Broxson	Haverfield	McClain	Weissenborn
Fincher	Hollahan	Myers	
Gong	Horne	Poston	

Nays—25

Mr. President	Brantley	Knopke	Scarborough
Arnold	Childers	Lane	Stolzenburg
Barron	Deeb	Lewis (33rd)	Trask
Barrow	de la Parte	Plante	Williams
Beaufort	Ducker	Pope	
Bell	Johnson (29th)	Reuter	
Brannen	Karl	Saunders	

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Jerry Thomas
President of the Senate*

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By the Committee on Finance & Taxation—

CS for HB 20-D—A bill to be entitled An act relating to corporations and other entities required to pay a tax on its net income; re-enacting and amending section 608.32, Florida Statutes, requiring the filing of annual reports and the payment of an annual privilege tax by all corporations and all other entities required by law to pay a tax on its net income with the department of state; providing for information to be submitted in said annual reports; providing for the execution of said reports; providing that annual reports shall be due on January 1 and shall be delinquent on March 1 of the same year; amending section 608.332, Florida Statutes, providing for the payment of an annual privilege tax; providing also for the payment of said tax upon the filing of the articles of incorporation, declaration of trusts or certificates of the limited partnerships or upon the commencement of business of any other entity required to pay a tax on its net income; amending chapter 608, Florida Statutes, by adding section 608.34, providing for the duties of the department of state; providing that the department of state shall prescribe the form of the report and furnish blanks upon request; providing that the department of state shall mail said blanks annually to each entity required to file; providing that the department of state shall cause a notice of the requirements of sections 608.32 and 608.332, Florida Statutes, to be mailed to each entity required to file a report and pay the tax within thirty days after January 1 failing to report and pay the tax; amending chapter 608, Florida Statutes, by adding section 608.35, providing for a penalty for failure to file the report and pay the tax; amending section 608.36, Florida Statutes, providing for the dissolution or cancellation of the permit of entities failing to make the report and pay the privilege tax; providing for the payment of all taxes and reports due prior to the issuance of any proclamation relative to dissolution or cancellation of charters and permits; amending section 608.37, Florida Statutes, providing for the restoration of entities dissolved for the failure to file reports and pay the privilege tax; providing for a reinstatement fee; providing that names of dissolved entities shall not be available for use by other entities until the passage of one year from the date of dissolution; amending chapter 608, Florida Statutes, by adding a new section, providing that the department of state may destroy the original of any documents copied by miniature photographic microfilming or other processes as authorized by law; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 20-D, contained in the above message was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator Gunter, by two-thirds vote, HB 20-D was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Gunter, unanimous consent was obtained to take up HB 20-D out of order.

On motions by Senator Gunter, by two-thirds vote, HB 20-D was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—41

Mr. President	Barrow	Bell	Brannen
Arnold	Beaufort	Bishop	Brantley

Broxson	Gunter	Lewis (33rd)	Scarborough
Childers	Haverfield	Myers	Stolzenburg
Daniel	Henderson	Ott	Trask
Deeb	Hollahan	Plante	Ware
de la Parte	Horne	Pope	Weber
Ducker	Johnson (29th)	Poston	Weissenborn
Fincher	Johnson (34th)	Reuter	
Gong	Knopke	Saunders	
Graham	Lane	Saylor	

Nays—None

The Senate resumed—

SECOND READING

SB 27-D was taken up, together with:

By the Committee on Ways and Means—

CS for SB 27-D—A bill to be entitled An act relating to corporation income tax administration; directing the department of revenue to implement administration of a corporation income tax when enacted; providing an appropriation; providing an effective date.

—which was read the first time by title and SB 27-D was laid on the table.

On motions by Senator Gunter, by two-thirds vote, CS for SB 27-D was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House.

The vote was:

Yeas—36

Mr. President	Ducker	Johnson (34th)	Reuter
Arnold	Fincher	Knopke	Saunders
Barrow	Gong	Lane	Saylor
Beaufort	Graham	Lewis (33rd)	Scarborough
Bell	Gunter	Myers	Trask
Bishop	Henderson	Ott	Ware
Brantley	Hollahan	Plante	Weber
Daniel	Horne	Pope	Weissenborn
Deeb	Johnson (29th)	Poston	Williams

Nays—None

By unanimous consent Senators Childers and Broxson were recorded as voting yea.

HB 33-D—A bill to be entitled An act relating to taxation; amending subsection 212.08(7), Florida Statutes, by adding subsection (i) to provide an exemption from sales and use taxes for household utilities; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator Gunter:

Amendment 1—On page 2, line 3 strike "July 1, 1972." and insert: March 1, 1972.

On motion by Senator Gunter, by two-thirds vote, HB 33-D as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—35

Mr. President	de la Parte	Lane	Saylor
Arnold	Ducker	Lewis (33rd)	Scarborough
Barrow	Fincher	Myers	Stolzenburg
Beaufort	Gong	Ott	Trask
Bell	Graham	Plante	Ware
Bishop	Gunter	Pope	Weber
Brannen	Haverfield	Poston	Weissenborn
Brantley	Horne	Reuter	Williams
Deeb	Knopke	Saunders	

Nays—None

By unanimous consent Senators Childers and Broxson were recorded as voting yea.

On motion by Senator Hollahan, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed with amendment—

By Senators Graham and Horne—

SB 36-D—A bill to be entitled An act relating to corporations; prohibiting a corporation during the period it is a private foundation under the Internal Revenue Code, 26 U.S.C., as in effect on the effective date of this act, from engaging in any act of self-dealing, from retaining any excess business holdings, from making any investment which would jeopardize the carrying out of any of the exempt purposes of the corporation, and from making any expenditure which gives rise to federal income taxation; requiring the corporation to make certain distributions to avoid liability for tax; providing limited application of this act upon judicial determination that same is contrary to a corporation's governing instruments; providing the rights and powers of the courts and of the department of legal affairs are not impaired; providing an effective date.

which amendment reads as follows:

On page 2, line 5, strike the period (.) and insert the following: , including corresponding provisions of any subsequent federal tax laws.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motion by Senator Graham, the Senate concurred in the House amendment to SB 36-D.

SB 36-D passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—37

Mr. President	de la Parte	Lane	Scarborough
Arnold	Ducker	Lewis (33rd)	Stolzenburg
Barrow	Fincher	Myers	Trask
Beaufort	Gong	Ott	Ware
Bell	Graham	Plante	Weber
Bishop	Gunter	Pope	Weissenborn
Brannen	Haverfield	Poston	Williams
Brantley	Henderson	Reuter	
Daniel	Horne	Saunders	
Deeb	Johnson (34th)	Sayler	

Nays—None

By unanimous consent Senators Broxson, Johnson (29th) and Childers were recorded as voting yea.

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended—

By Senator Weissenborn and others—

SB 37-D—A bill to be entitled An act relating to farm labor; amending sub-section (3) of section 5, chapter 71-234, Laws of Florida, providing that the payment of the required twenty-five dollar (\$25.00) registration fee from the farm labor contractor to the farm labor and rural manpower service shall be deposited in a trust fund in the state treasury and utilized for administration of the act.

Amendment 1—On page 1, line 23, immediately after word "deposited" strike: "in a trust fund in the state treasury and utilized for administration of this act."

insert the following:

"in the state treasury into the crew chief registration trust fund which is hereby created and shall be utilized for administration of this act."

Amendment 2—On page 1, strike all of lines 26 and 27.

and insert the following:

Section 2. Subsection (3) of section 4 of Chapter 71-234, Laws of Florida, is amended to read:

(3) Unless sooner revoked each certificate of registration shall run to and include the ~~thirty-first~~ ^{thirtieth} day of ~~December~~ ^{June} next following the date of issuance and may be renewed each year upon application on a form prescribed by the farm labor and rural manpower service.

Section 3. This act shall take effect upon becoming a law.

Amendment 3—On page 1, line 13, strike the period (.)

and insert the following:

; requiring a certificate of registration by a certain date; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator Weissenborn the Senate concurred in House amendments to SB 37-D.

SB 37-D passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—35

Mr. President	Ducker	Johnson (29th)	Sayler
Arnold	Fincher	Knopke	Scarborough
Beaufort	Gong	Lane	Stolzenburg
Bell	Graham	Lewis (33rd)	Trask
Bishop	Gunter	Myers	Ware
Brannen	Haverfield	Ott	Weber
Brantley	Henderson	Plante	Weissenborn
Daniel	Hollahan	Poston	Williams
Deeb	Horne	Reuter	

Nays—None

By unanimous consent Senators Broxson and Childers were recorded as voting yea.

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed SB 51-D.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bill, contained in the above message, was ordered enrolled.

*The Honorable Jerry Thomas
President of the Senate*

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and has passed as amended HB 30-D.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of the membership of the House—

By the Committee on Education—

HJR 46-D—A Joint Resolution Amending Article VII of the Constitution of the State of Florida by adding a new Section 15 thereto; permitting the issuance, when authorized by law, of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, or health related training institutions, or vocational training centers; providing that such revenue bonds shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by any other moneys in such fund; providing for the establishment of a reserve account from the proceeds of the revenue bonds sufficient to pay the debt service requirements in any ensuing state fiscal year; and, providing that moneys in such fund not needed for debt service or maintenance of the reserve account may be used for other related purposes as provided by law.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HJR 46-D contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Ways and Means.

*The Honorable Jerry Thomas
President of the Senate*

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended—

By Representatives Andrews and Singleton—

HB 35-D—A bill to be entitled An act relating to alcoholic beverages; amending Section 561.34(3)(g), Florida Statutes, as created by chapter 71-361, Laws of Florida, providing for tax to be imposed on vendors operating places of business for consumption for more than three (3) permanent locations within said premises and excluding therefrom service bars and temporary or portable bars; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 35-D, contained in the above message, was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

*The Honorable Jerry Thomas
President of the Senate*

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Appropriations—

HB 56-D—A bill to be entitled An act relating to corporation income tax administration; directing the department of revenue to implement administration of a corporation income tax when enacted; authorizing employment of contractual services; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

*The Honorable Jerry Thomas
President of the Senate*

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed as amended—

By Representative Shreve and others—

HB 51-D—A bill to be entitled An act relating to environmental protection; providing an emergency appropriation to the Governor of the State of Florida for the purpose of preventing and alleviating drought conditions in Central and Southern Florida; providing an effective date.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

House Bills 56-D and 51-D, contained in the above messages, were determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Ways and Means.

On motion by Senator Gunter, by two-thirds vote, HB 56-D was withdrawn from the Committee on Ways and Means and placed on the calendar.

On motion by Senator Gunter, unanimous consent was obtained to take up HB 56-D out of order.

On motions by Senator Gunter, by two-thirds vote, HB 56-D was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	Deeb	Knopke	Reuter
Arnold	de la Parte	Lane	Saunders
Barrow	Ducker	Lewis (33rd)	Saylor
Bell	Fincher	Myers	Scarborough
Brannen	Gong	Ott	Trask
Brantley	Graham	Plante	Ware
Broxson	Gunter	Pope	Weissenborn
Childers	Horne	Poston	Williams

Nays—None

Senator Poston presiding.

*The Honorable Jerry Thomas
President of the Senate*

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed as amended—

By the Committee on Appropriations—

CS for HB 57-D—A bill to be entitled An act relating to public officers and employees; amending section 112.061(6) (d), Florida Statutes, relating to the rates of per diem and subsistence allowance, to provide that the per diem allowance shall be twenty-one dollars (\$21); providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

CS for HB 57-D, contained in the above message, was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fourths vote of the membership of the House—

By the Committee on Appropriations and Representative MacKay—

HB 63-D—A bill to be entitled An act relating to a special election to be held on March 14, 1972, pursuant to Section 5 of Article XI of the state constitution for the approval or rejection by the electors of Florida of a joint resolution permitting the issuance of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, health related training institutions, or public vocational training centers; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 63-D, contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed as amended—

By Representative Mixson and others—

HB 45-D—A bill to be entitled An act relating to the division of commercial development of the department of commerce; providing for a supplemental appropriation to the division of commercial development for the 1971-1972 fiscal year to provide certain vital services to the rural, undeveloped, economically depressed areas, and the underemployed metropolitan areas of the state relative to selectively attracting compatible and environmentally clean new industries to said areas; providing that a certain amount of said appropriation shall be used by the bureau of business development of said division for regional research studies and reports while the balance of said appropriation shall be used for travel, printing, telephone, and direct mail expenses; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended—

By the Committee on Finance & Taxation—

HB 58-D—A bill to be entitled An act relating to local government finance; establishing a division of local finance within the department of community affairs; requiring financial reports by local governments; providing for suspension of payments to local governments which fail to comply; transferring duties of department of administration relating to local finance to the division of local finance; requiring an interim report; authorizing transfer of funds within the department of community affairs; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 45-D and 58-D, contained in the above messages, were delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same are within the purview of the call of the Governor.

The President presiding.

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Report in its entirety and passed, as amended, by the Conference Committee report—

By the Committee on Finance & Taxation—

CS for HB 16-D—A bill to be entitled An act relating to taxation and finance; amending Title XIII, Florida Statutes, to provide for the imposition, collection and administration of an income tax on corporations and other artificial persons; amending subsection 323.15(6), Florida Statutes, to remove the income tax exemption of motor carriers; amending sections 624.0307 and 624.0308, Florida Statutes, to provide a credit for insurers against insurance premium taxes for an amount of income taxes paid; providing an appropriation and procedures for competitive bidding; providing an effective date.

(Conference Committee Report attached to original bill.)

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

The Honorable Richard A. Pettigrew
Speaker, House of Representatives

Gentlemen:

Your Conference Committee on the disagreeing votes of the two Houses on the Senate amendments to Committee Substitute for House Bill 16-D, same being:

An act relating to taxation and finance; amending Title XIII, Florida Statutes, to provide for the imposition, collection and administration of an income tax on corporations and other artificial persons; amending subsection 323.15(6), Florida Statutes, to remove the income tax exemption of motor carriers; amending sections 624.0307 and 624.0308, Florida Statutes, to provide a credit for insurers against insurance premium taxes for an amount of income taxes paid; providing an appropriation and procedures for competitive bidding; providing an effective date.

having met; and after full and free conference, have agreed to recommend and to do recommend to their respective Houses, as follows:

1. That the House adopt the following Senate amendments to Committee Substitute for House Bill 16-D:

- (a) Number 1 (eliminating all gross receipts tax credits);
- (b) Number 8 (eliminating the addition to taxable income of gross receipts tax payments deducted for federal income tax purposes);
- (c) Number 28 (eliminating a December 31, 1971 cut-off for computing capital gains and losses);
- (d) Number 11 (deleting from the bill an appropriation to the department of revenue);
- (e) Number 19 (authorizing regional deposits of tax payments);
- (f) Numbers 5, 6, 7, 9, 12, 13 and 14 (making technical and conforming amendments to the bill);
- (g) Numbers 10 and 32 (deleting provisions left in the House bill which related to the taxation of banks); provided, however, that the conferees on the part of both Houses, in the light of additional facts, recognize that the present federally-provided exemptions from and restrictions on state taxation of banks and similar financial institutions provide these institutions an effective tax rate which is not equitable in comparison with other businesses, and the conferees recommend to both Houses that they review the extent to which banks are in fact taxed on their net incomes under CS for HB 16-D and take such further action as is appropriate to provide tax treatment to that segment of the business community which is equitable in relation to other businesses.

2. That the House and Senate adopt the following Senate amendments to Committee Substitute for House Bill 16-D, as further amended by the Conference Committee.

- (a) Number 20 (adopting a mandatory apportionment formula based 50% on sales, 25% on property and 25% on payroll), with Conference Committee Amendment No. 1 which is attached to and made a part of this report (providing that no multistate corporation shall be taxed at more than 100% of federal taxable income as a result of said mandatory apportionment formula);
- (b) Number 2 (granting a full income tax credit against insurance premium taxes), with Conference Committee Amendment Number 2 which is attached to and made a part of this report (preventing erosion of firemen's and policemen's retirement funds).
- (c) No. 25 (relating to long term installment sales contracts), with Conference Committee Amendment No. 3 which is attached to and made a part of this report (taxing less than the entire amount of installment sale income derived from transactions consummated prior to 1972).
- (d) No. 4 (imposing a tax on subchapter S corporations), with Conference Committee Amendment No. 4 which is attached to and made a part of this report (postponing the taxation of subchapter S corporations until taxable years commencing after June 30, 1973).

3. That the Senate recede from the following Senate amendments to Committee Substitute for House Bill 16-D:

- (a) Numbers 26 and 31 (relating to the ad valorem tax credit for regional home offices of insurers).
- (b) No. 17 (providing for a tax rate of 2½% on the first \$25,000 of taxable income and a rate of 5% on the excess of taxable income).

4. That the House and Senate introduce and pass by the requisite number of votes the Conference Committee Bill (identical to Senate amendment Number 26) attached hereto and by reference made a part of this report and that failure to introduce and adopt the bill as recommended by the Conference Committee shall result in a rejection of the Conference Committee report.

LOUIS DE LA PARTE
BILL GUNTER
KENNETH M. MYERS
KENNETH PLANTE
ALAN TRASK
LEE WEISSENBORN
J. H. WILLIAMS

RALPH D. TURLINGTON
GEORGE CALDWELL
MARSHALL S. HARRIS
CARL OGDEN
GUY SPICOLA
ED TROMBETTA
GORDON W. TYRRELL

MANAGERS ON THE PART
OF THE SENATE

MANAGERS ON THE PART
OF THE HOUSE OF
REPRESENTATIVES

Conference Committee Amendment No. 1—On page 1 of S.A. No. 20 at the end of paragraph (4) strike the period (.) and insert the following: ; provided however, that upon application in accordance with paragraph (a), any taxpayer shall be entitled to a refund of tax, in an amount determined under paragraph (b), if it can establish that the aggregate amount of its net income subject to tax under this Code and in all other states for the taxable year exceeds one hundred percent (100%) of the taxpayer's taxable income, as determined for federal income tax purposes, for the taxable year.

(a) Any taxpayer eligible for a refund under this subsection shall make application therefor in accordance with procedures set forth in Part I of the tax administration act of 1971, chapter 214, Florida Statutes. All applications for refund under this subsection shall be accompanied by a copy of the taxpayer's federal income tax return for the taxable year, copies of every return filed by the taxpayer in the states in which it has conducted business for the taxable year, and verification in the form of cancelled checks or other receipts of the taxpayer's payments of the amounts shown to be due on the several returns filed with the refund application.

(b) The refund to which any taxpayer shall be entitled under this subsection shall be equal to five percent (5%) of the lesser of:

(i) the excess of the amount subject to tax for the taxable year under this Code over the amount which would have been subject to tax if the taxpayer had computed net income for purposes of this Code on the basis of the apportionment fraction described in section 214.71, Florida Statutes; or

(ii) the excess of the aggregate amount of net income subject to tax in Florida and in all other states for the taxable year over the amount of federal taxable income for the taxable year.

(c) For purposes of this subsection, the terms "net income subject to tax" and "amount subject to tax" shall mean the amount against which a rate or rates are applied in determining the taxpayer's dollar liability for tax in any jurisdiction.

Conference Committee Amendment No. 2—On page 1 of S.A. No. 2, strike all of the inserted language and insert the following: Section 3. Section 624.0307, Florida Statutes, is amended by adding a new subsection (4) to read:

624.0307 Premium tax; rate and computation.—

(4) The income tax imposed under chapter 220, Florida Statutes, which is paid by any insurer shall be credited against and to the extent thereof discharge the liability for tax imposed by this section for the annual period in which said income tax payment is made; provided that as to a foreign insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of said tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220, Florida Statutes, shall be deemed "paid" either at the time the insurer actually files its annual return under that chapter or at the time said return is required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

Section 4. Section 624.0308, Florida Statutes, is amended by adding a new subsection (3) to read:

(3) The income tax imposed under chapter 220, Florida Statutes, which is paid by any insurer shall be credited against and to the extent thereof discharge the liability for tax imposed by this section for the annual period in which said income tax payment is made; provided that the aggregate income tax credit for any insurer under this subsection and subsection 624.0307(4) shall not exceed the amount of tax paid under chapter 220 in any calendar year; and provided further that as to a foreign insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of said tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220, Florida Statutes, shall be deemed "paid" either at the time the insurer actually files its annual return under that chapter or at the time said return is required to be filed, whichever first occurs, and not at such earlier time as such payments or estimated tax are actually made.

Conference Committee Amendment No. 3—On page 1 of SA, No. 25, strike all of the inserted language and insert the following:

(iv) If an election is made under subparagraph (ii), then in lieu of returning the entire amount of installment sale income returned for federal income tax purposes, the taxpayer may include in income for each taxable year under this Code only the amount of income which is specified in subparagraph (v) below, in which event the taxpayer shall also add to taxable income (as defined in subsection (2)) all expenses deducted on its federal return for the taxable year with respect to installment sale income excluded from Florida net income under this provision, including collection costs and the expenses attributable to servicing sales contracts.

(v) The amount to be included in taxable income under subparagraph (iv) shall be limited to the sum of the following amounts:

a. an amount equal to one-hundred percent (100%) of the income derived from installment sale transactions consummated on or after January 1, 1972;

b. an amount equal to seventy percent (70%) of the income returned for federal income tax purposes in the taxable year which was derived from installment sale transactions consummated prior to January 1, 1972 and after December 31, 1970;

c. an amount equal to fifty percent (50%) of the income returned for federal income tax purposes in the taxable year which was derived from installment sale transactions consummated prior to January 1, 1971 and after December 31, 1968;

d. an amount equal to twenty-five percent (25%) of the income returned for federal income tax purposes in the taxable year which was derived from installment sale transactions consummated prior to January 1, 1969 and after December 31, 1966;

e. an amount equal to ten percent (10%) of the income returned for federal income tax purposes in the taxable year which was derived from installment sale transactions consummated prior to January 1, 1967.

(vi) The department may by regulation prescribe the methods or procedures for computing the amounts included and excluded from taxable income under subparagraph (iv) and (v).

and re-letter "(d)" as "(c)" on page 17a, line 1.

Conference Committee Amendment No. 4—On page 1 of S.A. No. 4, strike all of Senate Amendment No. 4 and insert the following: strike the period on line 15, page 20 and insert:

for each taxable year commencing prior to July 1, 1973, and taxable income for such a corporation for each taxable year commencing on or after July 1, 1973 shall mean taxable income as defined in section 63 of the Internal Revenue Code (determined without regard to the provisions of subchapter S of said Code).

By the Conference Committee on HB 16-D—

A bill to be entitled

An act relating to insurance premium taxes; amending subsection 624.0312(1), Florida Statutes, to limit credits against insurance premium taxes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection 624.0312(1), Florida Statutes, is amended to read:

624.0312 Regional home offices of foreign insurers; credits on premium tax liability.—

(1) A foreign insurer formed by or under the laws of any other state or foreign country, which is subject to the taxes imposed by sections 624.0307 and 624.0308, and which owns and substantially occupies any building in this state as a regional home office, as hereinafter defined, shall be entitled to the following a credits and deductions against such tax: in

(a) an amount equal to fifty per cent of the amount of the tax as determined under said sections; and

(b) An amount equal to the full amount of all ad valorem taxes paid by such a foreign insurer during the year next preceding the filing of the return required by section 624.0309;

1. Upon any building and the land on which it stands in this state owned and substantially occupied by such foreign insurer in the said tax year as a regional home office, together with any adjacent land as may be required for the convenient use and occupation thereof; and

2. Upon any property used in connection with the operation and maintenance of such regional home office; provided, however, that in no event shall such credits and deductions reduce the amount of tax payable to less than twenty per cent of the amount of the tax as determined under section 624.0307 and 624.0308; and, provided further, that as to a foreign insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by sections 624.0307 and 624.0308, as intended and contemplated by the above provisions of this subsection, shall be construed to mean the net amount of said tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida statutes.

Section 2. This act shall take effect immediately upon becoming law.

On motion by Senator Barrow, the foregoing Conference Committee Report was read.

On motions by Senator de la Parte, the Conference Committee report was considered and accepted as an entirety by the following vote:

Yeas—36

Mr. President	de la Parte	Johnson (34th)	Reuter
Arnold	Ducker	Knopke	Saunders
Beaufort	Fincher	Lane	Scarborough
Bell	Gong	Lewis (33rd)	Stolzenburg
Brantley	Graham	Myers	Trask
Broxson	Gunter	Ott	Ware
Childers	Haverfield	Plante	Weber
Daniel	Henderson	Pope	Weissenborn
Deeb	Horne	Poston	Williams

Nays—None

By unanimous consent Senators Barrow and McClain were recorded as voting yea.

On motion by Senator de la Parte, CS for HB 16-D as amended by the Conference Committee report was read and passed by the following vote:

Yeas—38

Mr. President	Barrow	Brannen	Broxson
Arnold	Beaufort	Brantley	Childers

Daniel	Haverfield	Myers	Scarborough
Deeb	Henderson	Ott	Stolzenburg
de la Parte	Hollahan	Plante	Trask
Ducker	Horne	Pope	Ware
Fincher	Johnson (34th)	Poston	Weissenborn
Gong	Knopke	Reuter	Williams
Graham	Lane	Saunders	
Gunter	Lewis (33rd)	Sayler	

Nays—3

Bell Johnson (29th) Weber

By unanimous consent Senator McClain was recorded as voting yea.

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Conference Committee on CS for HB 16-D—

HB 65-D—A bill to be entitled An act relating to insurance premium taxes; amending subsection 634.0312(1), Florida Statutes, to limit credits against insurance premium taxes; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 65-D, contained in the above message, was read the first time by title. On motion by Senator de la Parte, the rules were waived and the bill was placed on the calendar.

On motions by Senator de la Parte, by two-thirds vote, HB 65-D was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	de la Parte	Johnson (29th)	Reuter
Arnold	Ducker	Johnson (34th)	Saunders
Barrow	Fincher	Knopke	Sayler
Beaufort	Gong	Lane	Scarborough
Bell	Graham	Lewis (33rd)	Trask
Brannen	Gunter	Myers	Ware
Brantley	Haverfield	Ott	Weber
Broxson	Henderson	Plante	Weissenborn
Childers	Hollahan	Pope	Williams
Deeb	Horne	Poston	

Nays—None

By unanimous consent Senators Daniel and McClain were recorded as voting yea.

On motion by Senator Poston, by two-thirds vote, HB 54-D was withdrawn from the Committee on Transportation and placed on the calendar.

On motion by Senator Poston, unanimous consent was obtained to take up out of order—

HB 54-D—A bill to be entitled An act relating to regulation of traffic; amending Chapter 316, Florida Statutes, to provide for provisions, maintenance and control of roads within local governments; providing for enactment of ordinances to vest jurisdiction of violations of this chapter in certain local courts; providing for certain traffic court systems; amending section 901.15, Florida Statutes, to provide for arrest by a peace officer for offenses under Chapter 316; providing an effective date.

On motions by Senator Poston, by two-thirds vote, HB 54-D was read the second time by title and, by two-thirds vote, was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	Daniel	Hollahan	Reuter
Arnold	Deeb	Johnson (29th)	Saunders
Barrow	de la Parte	Johnson (34th)	Sayler
Beaufort	Ducker	Knopke	Scarborough
Bell	Fincher	Lane	Stolzenburg
Bishop	Gong	Lewis (33rd)	Trask
Brannen	Graham	Myers	Ware
Brantley	Gunter	Ott	Weber
Broxson	Haverfield	Plante	Weissenborn
Childers	Henderson	Poston	

Nays—None

On motion by Senator Hollahan, the Senate recessed at 5:12 p.m.

The Senate was called to order by the President at 7:00 p.m. A quorum present.

The Senate resumed—

SECOND READING

HB 43-D—A bill to be entitled An act relating to board of trustees of the internal improvement fund; amending sections 253.01, 253.02(1), 253.03(2), 253.031(4), and 253.45(1), Florida Statutes; repealing sections 270.12, 270.13, 270.14, 270.22, and 270.23, Florida Statutes; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 1—On page 2, line 8, Section 2 strike all of Section 2. and insert: Section 2. Other provisions of law to the contrary notwithstanding, effective January 1, 1972 and thereafter, all revenues and receipts accruing to the Board of Trustees for the benefit of the Internal Improvement Trust Fund shall be available for appropriation by the Legislature solely and exclusively for the acquisition of land and the incidental expenses related thereto; and, effective January 1, 1972, the uncommitted fund balance of the Internal Improvement Trust Fund as of that date shall be expended or loaned only upon specific legislative appropriation or authorization.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 2—On page 1, line 11, in title strike "adding subsection 253.02(6), Florida Statutes, to limit the use of the trust fund;" and insert: adding a provision limiting use of the trust fund;

On motion by Senator Knopke, by two-thirds vote, HB 43-D as amended was read the third time by title, passed and certified to the House. The vote was:

Yeas—37

Mr. President	Deeb	Horne	Poston
Arnold	de la Parte	Johnson (29th)	Sayler
Barrow	Ducker	Johnson (34th)	Scarborough
Beaufort	Fincher	Knopke	Ware
Bell	Gong	Lane	Weissenborn
Boyd	Graham	Lewis (33rd)	Williams
Brannen	Gunter	Myers	Wilson
Brantley	Haverfield	Ott	
Broxson	Henderson	Plante	
Childers	Hollahan	Pope	

Nays—None

By unanimous consent Senator Reuter was recorded as voting yea.

SB 28-D—A bill to be entitled An act relating to the department of health and rehabilitative services, division of family services, making a supplemental appropriation; providing additional moneys for the remainder of the 1971-72 fiscal year, to pay cost of certain medical care programs; repeals section 17 of chapter 71-357, Laws of Florida, relating to county participation; providing an effective date.

—was read the second time by title. On motion by Senator Myers, by two-thirds vote SB 28-D was read the third time by title, passed and certified to the House. The vote was:

Yeas—39

Mr. President	Daniel	Hollahan	Pope
Arnold	Deeb	Horne	Poston
Barrow	de la Parte	Johnson (29th)	Reuter
Beaufort	Ducker	Johnson (34th)	Sayler
Bell	Fincher	Knopke	Scarborough
Bishop	Gong	Lane	Stolzenburg
Brannen	Graham	Lewis (33rd)	Ware
Brantley	Gunter	Lewis (43rd)	Weissenborn
Broxson	Haverfield	Myers	Wilson
Childers	Henderson	Ott	

Nays—None

By unanimous consent Senator Boyd was recorded as voting yea.

Senator Hollahan moved that HB 41-D be admitted for introduction and consideration by the required two-thirds vote of the membership and the motion failed by the following vote:

Yeas—20

Arnold	Gong	Knopke	Pope
Beaufort	Graham	Lewis (43rd)	Poston
Broxson	Haverfield	McClain	Saunders
Childers	Hollahan	Myers	Weissenborn
Fincher	Johnson (29th)	Plante	Williams

Nays—16

Barron	Brannen	Ducker	Reuter
Barrow	Brantley	Henderson	Scarborough
Bell	Daniel	Johnson (34th)	Stolzenburg
Bishop	Deeb	Lewis (33rd)	Weber

By unanimous consent Senator Trask was recorded as voting nay.

SJR 32-D—A Joint Resolution Amending Article VII of the Constitution of the State of Florida by adding a new Section 15 thereto; permitting the issuance, when authorized by law, of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, or health related training institutions, or public vocational training centers; providing that such revenue bonds shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by any other moneys in such fund; providing for the establishment of a reserve account from the proceeds of the revenue bonds sufficient to pay the debt service requirements in any ensuing state fiscal year; and, providing that moneys in such fund not needed for debt service or maintenance of the reserve account may be used for educational grants or other related purposes as provided by law.

—was read the second time.

Senator Barrow moved that the Senate recess until 9:00 p.m. and the motion failed.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 1—On page 2, line 16, after the word "students" insert: determined eligible as prescribed by law and

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 2—On page 2, lines 18, 19, strike "Public"

The Committee on Ways and Means offered the following amendment which was moved by Senator de la Parte:

Amendment 3—On page 3, lines 8-10, strike educational grants to students determined to be eligible therefor in the manner provided by law, or for

Senator Graham moved the following substitute amendment which was adopted:

Amendment 4—On page 3, lines 4-11 strike all of lines 4-11 on page 3 and insert: (b) interest moneys in the fund established pursuant to this section, not required in any fiscal year for payment of debt service on then outstanding revenue bonds or for maintenance of the reserve account, may be used for educational loans to students determined to be eligible therefor in the manner provided by law, or for such other related purposes as may be provided by law.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 5—On page 2, line 12, insert: said Section 15 to be effective immediately upon ratification by the electors:

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 6—On page 1, line 13 in title, strike "Public"

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 7—On page 2, line 1, in title, strike "educational grants or"

On motion by Senator Graham, by two-thirds vote, HJR 46-D, a companion measure to SJR 32-D as amended, was withdrawn from the Committee on Ways and Means and placed on the calendar.

HJR 46-D was taken up and on motion by Senator Graham—

HJR 46-D—A Joint Resolution Amending Article VII of the Constitution of the State of Florida by adding a new Section 15 thereto; permitting the issuance, when authorized by law, of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, or health related training institutions, or vocational training centers; providing that such revenue bonds shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by any other moneys in such fund; providing for the establishment of a reserve account from the proceeds of the revenue bonds sufficient to pay the debt service requirements in any ensuing state fiscal year; and, providing that moneys in such fund not needed for debt service or maintenance of the reserve account may be used for other related purposes as provided by law.

Be It Resolved by the Legislature of the State of Florida:

That the following addition of Section 15 to Article VII of the constitution of the state of Florida is hereby agreed to and shall be submitted to the electors of Florida for approval or rejection at the presidential primary election to be held in March, 1972; said section 15 to be effective immediately upon ratification by the electors;

Section 15.

(a) When authorized by law, revenue bonds may be issued to establish a fund to make loans to students determined eligible

as prescribed by law and who have been admitted to attend any public or private institutions of higher learning, junior colleges, health related training institutions, or vocational training centers, which are recognized or accredited under terms and conditions prescribed by law. Revenue bonds issued pursuant to this section shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and if authorized by law, may be additionally secured by student fees and by any other moneys in such fund. There shall be established from the proceeds of each issue of revenue bonds a reserve account in an amount equal to and sufficient to pay the greatest amount of principal, interest, and handling charges to become due on such issue in any ensuing state fiscal year.

(b) Interest moneys in the fund established pursuant to this section, not required in any fiscal year for payment of debt service on then outstanding revenue bonds or for maintenance of the reserve account, may be used for educational loans to students determined to be eligible therefor in the manner provided by law, or for such other related purposes as may be provided by law.

—a companion measure was substituted therefor. On motions by Senator Graham, by two-thirds vote, HJR 46-D was read the second time and by two-thirds vote was read the third time in full. The Secretary called the roll and HJR 46-D passed with the required Constitutional three-fifths vote of the membership and was certified to the House. The vote was:

Yeas—38

Arnold	Gong	Lane	Scarborough
Beaufort	Graham	Lewis (43rd)	Stolzenburg
Bell	Gunter	McClain	Trask
Brantley	Haverfield	Myers	Ware
Broxson	Henderson	Ott	Weber
Childers	Hollahan	Plante	Weissenborn
Daniel	Horne	Pope	Williams
Deeb	Johnson (29th)	Poston	Wilson
de la Parte	Karl	Saunders	
Ducker	Knopke	Saylor	

Nays—4

Mr. President	Barrow	Brannen	Lewis (33rd)
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By unanimous consent, Senator Brannen changed his vote from nay to yea; Senator Reuter was recorded as voting yea.

SJR 32-D as amended was laid on the table.

On motion by Senator Graham, by two-thirds vote, HB 63-D was withdrawn from the Committee on Ways and Means and placed on the calendar. The vote was:

Yeas—39

Mr. President	Gong	Lane	Saylor
Barrow	Graham	Lewis (33rd)	Scarborough
Bell	Gunter	Lewis (43rd)	Stolzenburg
Brannen	Haverfield	McClain	Trask
Brantley	Henderson	Myers	Ware
Childers	Hollahan	Ott	Weber
Daniel	Horne	Plante	Weissenborn
Deeb	Johnson (29th)	Pope	Williams
de la Parte	Karl	Poston	Wilson
Ducker	Knopke	Saunders	

Nays—None

HB 63-D—A bill to be entitled An act relating to a special election to be held on March 14, 1972, pursuant to Section 5 of Article XI of the state constitution for the approval or rejection by the electors of Florida of a joint resolution permitting the issuance of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, health related training institutions, or public vocational training centers; providing an effective date.

On motions by Senator Graham, by two-thirds vote, HB 63-D was read the second time by title and by two-thirds vote was read the third time by title, passed with the required constitutional three-fourths vote of the membership and certified to the House. The vote was:

Yeas—42

Mr. President	Ducker	Knopke	Saylor
Arnold	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Brannen	Gunter	McClain	Ware
Brantley	Haverfield	Myers	Weber
Broxson	Henderson	Ott	Weissenborn
Childers	Hollahan	Plante	Williams
Daniel	Horne	Pope	Wilson
Deeb	Johnson (29th)	Poston	
de la Parte	Karl	Saunders	

Nays—None

By unanimous consent Senator Reuter was recorded as voting yea.

On motion by Senator Deeb, by two-thirds vote, HB 35-D was withdrawn from the Committee on Ways and Means and placed on the calendar.

Senator Deeb moved that HB 35-D be admitted for introduction and consideration notwithstanding the fact that it did not fall within the purview of the Governor's call. The motion failed to receive the consent of two-thirds vote of the membership. The vote was:

Yeas—28

Bell	Henderson	McClain	Scarborough
Brannen	Hollahan	Myers	Trask
Brantley	Horne	Ott	Ware
Daniel	Johnson (29th)	Plante	Weber
Deeb	Knopke	Pope	Weissenborn
Ducker	Lane	Poston	Williams
Gong	Lewis (33rd)	Saylor	Wilson

Nays—2

Broxson	de la Parte
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On motion by Senator Hollahan, the Senate recessed at 7:57 p.m.

The Senate was called to order by the President at 9:30 p.m. A quorum present.

On motion by Senator de la Parte, the rules were waived and the Senate reverted to—

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

December 8, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has reconsidered the passage, reconsidered and withdrawn Amendments 1 and 3, refused to recede from Amendment 2, further amended and passed as further amended—

By the Committee on Ways and Means—

CS for SB 8-D—A bill to be entitled An act relating to tax on rentals; amending section 212.03, Florida Statutes, by adding subsection (7) to provide an exemption on rentals of buildings intended primarily for lease or rent to persons as their principal or permanent place of residence; amending sections 212.02 (6)(h), 212.031 (1)(a), and 212.031 (1)(b), Florida Statutes, relative to such exemption on rentals; providing the Department of Revenue with responsibility for certain classification; providing an effective date.

Amendment 2

On page 2, line 11, after the word "facilities" insert the following: , including trailer lots,

Amendment 4

On page 5, line 2, strike January and insert the following: March

Amendment 5

On page 3, lines 3, 5 and 6, strike January and insert the following: March

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator de la Parte, the Senate concurred in House amendments 2, 4 and 5 to CS for SB 8-D.

CS for SB 8-D passed as amended, was ordered engrossed and the action of the Senate was certified to the House. The vote was:

Yeas—41

Mr. President	Daniel	Johnson (34th)	Saunders
Arnold	Deeb	Karl	Saylor
Barrow	de la Parte	Knopke	Scarborough
Beaufort	Ducker	Lewis (33rd)	Stolzenburg
Bell	Gong	Lewis (43rd)	Ware
Bishop	Graham	McClain	Weissenborn
Boyd	Gunter	Myers	Williams
Brannen	Haverfield	Plante	Wilson
Brantley	Henderson	Pope	
Broxson	Hollahan	Poston	
Childers	Johnson (29th)	Reuter	

Nays—None

By direction of the President, the Secretary read the following:

PROCLAMATION
STATE OF FLORIDA
OFFICE OF THE GOVERNOR
TALLAHASSEE

(Third Amendment to Proclamation dated November 24, 1971)

WHEREAS, on the 24th day of November, 1971, a Proclamation was issued convening a special session of the Florida Legislature commencing on the 29th day of November, 1971, and

WHEREAS, it is necessary and in the best interest of the State to amend the Proclamation dated the 24th day of November, 1971, as amended, in order to extend the period of the call of the special session;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Section 3, Article III, Constitution of Florida (1968), do hereby proclaim as follows:

1. That Paragraph 1 of the Proclamation of the Governor dated the 24th day of November, 1971, is amended to read:

"1. That the Legislature of the State of Florida be and it is hereby convened in special session at the Capitol, Tallahassee, Florida, commencing at approximately 10 o'clock a.m. on Monday, the 29th day of November, 1971, and ending at 12 o'clock midnight on the 9th day of December, 1971."

2. Except as amended by this Proclamation and the Proclamations of the Governor dated November 29, 1971, and December 7, 1971, the Proclamation of the Governor dated the 24th day of November, 1971, is ratified and confirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 8th day of December, 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:
RICHARD (DICK) STONE
Secretary of State

Senator Saunders presiding.

The President presiding.

The following Conference Committee report was read:

CONFERENCE COMMITTEE REPORT ON HJR 11-D

The members of the conference committee on HJR 11-D report to their respective houses that the conference recommends that the Senate amendments to HJR 11-D be rejected by both houses and that in lieu thereof the attached conference committee bill be adopted.

The conference committee further recommends that, upon approval of the foregoing by a three-fifths vote of the membership of each house, the early vote resolution, House Bill 23-D or its Senate companion be adopted.

Conferees for the Senate

DEMPSEY J. BARRON
HAROLD S. WILSON
DAVID H. McCLAIN
FREDERICK B. KARL
GERALD LEWIS
W. H. BOYD (dissenting)

Conferees for the House

TALBOT D'ALEMBERTE
FRED TITTLE
GRANVILLE H. CRABTREE, JR.
JOHN E. SANTORA, JR.
DONALD H. REED, JR.
T. TERRELL SESSUMS

Senator Karl moved that the rule requiring an accompanying statement be waived. The motion was adopted by two-thirds vote.

On motion by Senator Barron the Conference Committee report was considered and accepted as an entirety.

On motion by Senator Karl the rules were waived and—

By the Conference Committee on HJR 11-D—

SJR 52-D—A joint resolution proposing a revision of Article V of the State Constitution, relating to the judicial branch of the government.

Be It Resolved by the Legislature of the State of Florida:

That the following proposed revision of Article V of the State Constitution is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1972, or, if authorized by three-fourths of the membership of each house of the legislature, at a special election to be held March 14, 1972.

(Substantial rewording of Article. See Article V, State Constitution, for present text.)

ARTICLE V

JUDICIARY

SECTION 1. Courts.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality. The legislature shall, by general law, divide the state into appellate court districts and judicial circuits following county lines. Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices.

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including the time for seeking appellate review, the administrative supervision of all courts, the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought. These rules may be repealed by general law enacted by two-thirds vote of the membership of each house of the legislature.

(b) The chief justice of the supreme court shall be chosen by a majority of the members of the court. He shall be the chief administrative officer of the judicial system. He shall have the power to assign justices or judges, including consenting retired justices or judges, to temporary duty in any court for which the judge is qualified and to delegate to a chief judge of a judicial circuit the power to assign judges for duty in his respective circuit.

(c) A chief judge for each district court of appeal shall be chosen by a majority of the judges thereof or, if there is no majority, by the chief justice. The chief judge shall be responsible for the administrative supervision of the court.

(d) A chief judge in each circuit shall be chosen from among the circuit judges as provided by supreme court rule. The chief judge shall be responsible for the administrative supervision of the circuit courts and county courts in his circuit.

SECTION 3. Supreme Court.—

(a) **ORGANIZATION.**—The supreme court shall consist of seven justices. Five justices shall constitute a quorum. The concurrence of four justices shall be necessary to a decision. When recusals for cause would prohibit the court from convening because of the requirements of this section judges assigned to temporary duty may be substituted for justices.

(b) JURISDICTION.—The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) When provided by general law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or final judgments entered in proceedings for the validation of bonds or certificates of indebtedness.

(3) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by a district court of appeal to be of great public interest, or that is in direct conflict with a decision of any district court of appeal or of the supreme court on the same question of law, and any interlocutory order passing upon a matter, which upon final judgment would be directly appealable to the supreme court; and may issue writs of certiorari to commissions established by general law having statewide jurisdiction.

(4) May issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(5) May issue writs of mandamus and quo warranto to state officers and state agencies.

(6) May, or any justice may, issue writs of habeas corpus returnable before the supreme court or any justice, a district court of appeal or any judge thereof, or any circuit judge.

(7) Shall have the power of direct review of administrative action prescribed by general law.

(c) **CLERK AND MARSHAL.**—The supreme court shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the state, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 4. District Courts of Appeal.—

(a) **ORGANIZATION.**—There shall be a district court of appeal serving each appellate district. Each district court of

appeal shall consist of at least three judges. Three judges shall consider each case and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.—

(1) District courts of appeal shall have jurisdiction to hear appeals, that may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders in such cases to the extent provided by rules adopted by the supreme court.

(2) District courts of appeal shall have the power of direct review of administrative action, as prescribed by general law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before the court or any judge thereof or before any circuit judge within the territorial jurisdiction of the court. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

(c) **CLERKS AND MARSHALS.**—Each district court of appeal shall appoint a clerk and a marshal who shall hold office during the pleasure of the court and perform such duties as the court directs. Their compensation shall be fixed by general law. The marshal shall have the power to execute the process of the court throughout the territorial jurisdiction of the court, and in any county may deputize the sheriff or a deputy sheriff for such purpose.

SECTION 5. Circuit Courts.—

(a) **ORGANIZATION.**—There shall be a circuit court serving each judicial circuit.

(b) **JURISDICTION.**—The circuit courts shall have original jurisdiction not vested in the county courts, and jurisdiction of appeals from county courts when provided by general law. They shall have the power to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction. Jurisdiction of the circuit courts shall be uniform throughout the state. They shall have the power of direct review of administrative action prescribed by general law.

SECTION 6. County Courts.—

(a) **ORGANIZATION.**—There shall be a county court in each county. There shall be one or more judges for each county court as prescribed by general law.

(b) **JURISDICTION.**—The county courts shall exercise the jurisdiction prescribed by general law. Such jurisdiction shall be uniform throughout the state.

SECTION 7. Specialized Divisions.—All courts except the supreme court may sit in divisions as may be established by general law. A circuit or county court may hold civil and criminal trials and hearings in any place within the territorial jurisdiction of the court as designated by the chief judge of the circuit.

SECTION 8. Eligibility.—No person shall be eligible for office of justice or judge of any court unless he is an elector of the state and resides in the territorial jurisdiction of his court. No justice or judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which he has served. No person is eligible for the office of justice of the supreme court or judge of a district court of appeal unless he is, and has been for the preceding ten years, a member of the bar of Florida. No person is eligible for the office of circuit judge unless he is, and has been for the preceding five years, a member of the bar of Florida. Unless otherwise provided by general law, a county court judge must be a member of the bar of Florida.

SECTION 9. Determination of number of judges.—The supreme court shall establish by rule uniform criteria for the determination of the need for additional judges except supreme court justices, the necessity for decreasing the number of judges and for increasing, decreasing or redefining appellate districts and judicial circuits. If the supreme court finds that a need exists for increasing or decreasing the number of judges

or increasing, decreasing or redefining appellate districts and judicial circuits, it shall, prior to the next regular session of the legislature, certify to the legislature its findings and recommendations concerning such need. Upon receipt of such certificate, the legislature, at the next regular session, shall consider the findings and recommendations and may reject the recommendations or by law implement the recommendations in whole or in part; provided the legislature may create more judicial offices than are recommended by the supreme court or may decrease the number of judicial offices by a greater number than recommended by the court only upon a finding of two-thirds of the membership of both houses of the legislature, that such a need exists. A decrease in the number of judges shall be effective only after the expiration of a term. If the supreme court fails to make findings as provided above when need exists, the legislature may by concurrent resolution request the court to certify its finds and recommendations and upon the failure of the court to certify its findings for nine consecutive months, the legislature may, upon a finding of two-thirds of the membership of both houses of the legislature that a need exists, increase or decrease the number of judges or increase, decrease or redefine appellate districts and judicial circuits.

SECTION 10. Election and Terms.—

(a) **ELECTION.**—All justices and judges shall be elected by vote of the qualified electors within the territorial jurisdiction of their respective courts.

(b) **TERMS.**—The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be for six years. The terms of judges of county courts shall be for four years.

SECTION 11. Vacancies.—

(a) The governor shall fill each vacancy in judicial office by appointing for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election, one of not fewer than three persons nominated by the appropriate judicial nominating commission. An election shall be held to fill that judicial office for the term of the office beginning at the end of the appointed term. The nominations shall be made within thirty days from the occurrence of a vacancy unless the period is extended by the governor for a time not to exceed thirty days. The governor must make the appointment within sixty days after the nominations have been certified to him.

(b) There shall be a separate judicial nominating commission as provided by general law for the supreme court, each district court of appeal, and each judicial circuit for all trial courts within the circuit.

SECTION 12. Discipline; removal and retirement.—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;

(2) Two electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and

(3) Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(b) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a justice or judge shall be eligible for state judicial office so long as he is a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may participate in his own campaign for judicial office and hold that office. The commission shall elect one of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings of the commission, the filling of vacancies by the appointing authorities and the temporary replacement of disqualified

or incapacitated members. After a recommendation of removal of any justice or judge, the record of the proceedings before the commission shall be made public.

(d) Upon recommendation of two-thirds of the members of the judicial qualifications commission, the supreme court may order that the justice or judge be disciplined by appropriate reprimand, or be removed from office with termination of compensation for willful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary, or be involuntarily retired for any permanent disability that seriously interferes with the performance of his duties. After the filing of a formal proceeding and upon request of the commission, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(e) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment and to the power of suspension by the governor and removal by the senate.

SECTION 13. Prohibited activities.—All justices and judges shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party.

SECTION 14. Judicial salaries.—All justices and judges shall be compensated only by state salaries fixed by general law. The judiciary shall have no power to fix appropriations.

SECTION 15. Attorneys; admission and discipline.—The supreme court shall have exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.

SECTION 16. Clerks of the circuit courts.—There shall be in each county a clerk of the circuit court who shall be selected pursuant to the provisions of Article VIII section 1. Notwithstanding any other provision or the constitution, the duties of the clerk of the circuit court may be divided by special or general law between two officers, one serving as clerk of court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. There may be a clerk of the county court if authorized by general or special law.

SECTION 17. State attorneys.—In each judicial circuit a state attorney shall be elected for a term of four years. He shall be the prosecuting officer of all trial courts in that circuit and shall perform other duties prescribed by general law; provided, however, when authorized by general law, the violations of all municipal ordinances may be prosecuted by municipal prosecutors. A state attorney shall be an elector of the state and reside in the territorial jurisdiction of the circuit. He shall be and have been a member of the bar of Florida for the preceding five years. He shall devote full time to his duties, and he shall not engage in the private practice of law. State attorneys shall appoint such assistant state attorneys as may be authorized by law.

SECTION 18. Public defenders.—In each judicial circuit a public defender shall be elected for a term of four years. He shall perform duties prescribed by general law. A public defender shall be an elector of the state and reside in the territorial jurisdiction of the circuit. He shall be and have been a member of the bar of Florida for the preceding five years. Public defenders shall appoint such assistant public defenders as may be authorized by law.

SECTION 19. Judicial officers as conservators of the peace.—All judicial officers in this state shall be conservators of the peace.

SECTION 20. Schedule.—

(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.

(b) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.

(c) After this article becomes effective, and until changed by general law consistent with sections 1 through 19 of this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, and it shall determine all proceedings pending before it on the effective date of this article.

(2) The appellate districts shall be those in existence on the date of adoption of this article. There shall be a district court of appeal in each district. The district courts of appeal shall have the jurisdiction immediately theretofore exercised by the district courts of appeal and shall determine all proceedings pending before them on the effective date of this article.

(3) Circuit courts shall have jurisdiction of appeals from county courts and municipal courts, except those appeals which may be taken directly to the supreme court; and they shall have exclusive original jurisdiction in all actions at law not cognizable by the county courts; of proceedings relating to the settlement of the estate of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate; in all cases in equity including all cases relating to juveniles; of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged; in all cases involving legality of any tax assessment or toll; in the action of ejectment; and in all actions involving the titles or boundaries or right of possession of real property. The circuit court may issue injunctions. There shall be judicial circuits which shall be the judicial circuits in existence on the date of adoption of this article. The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to Chapter 71-131, Laws of Florida, in the absence from the county of the circuit judge and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.

(4) County courts shall have original jurisdiction in all criminal misdemeanor cases not cognizable by the circuit courts, of all violations of municipal and county ordinances, and of all actions at law in which the matter in controversy does not exceed the sum of two thousand five hundred dollars (\$2,500.00) exclusive of interest and costs, except those within the exclusive jurisdiction of the circuit courts. Judges of county courts shall be committing magistrates. The county courts shall have jurisdiction now exercised by the county judge's courts other than that vested in the circuit court by subsection (c) (3) hereof, the jurisdiction now exercised by the county courts, the claims court, the small claims courts, the small claims magistrates courts, magistrates courts, justice of the peace courts, municipal courts and courts of chartered counties, including but not limited to the counties referred to in Article VIII, sections 9, 10, 11 and 24 of the Constitution of 1885.

(5) Each judicial nominating commission shall be composed of the following:

a. Three members appointed by the Board of Governors of The Florida Bar from among The Florida Bar members who are actively engaged in the practice of law with offices within the territorial jurisdiction of the affected court, district or circuit, and

b. Three electors who reside in the territorial jurisdiction of the court or circuit appointed by the governor;

c. Three electors who reside in the territorial jurisdiction of the court or circuit and who are not members of the bar of Florida, selected and appointed by a majority vote of the other six members of the commission.

(6) No justice or judge shall be a member of a judicial nominating commission. A member of a judicial nominating commission may hold public office other than judicial office. No member shall be eligible for appointment to state judicial office so long as he is a member of a judicial nominating commission and for a period of two years thereafter. All acts of a judicial nominating commission shall be made with a concurrence of a majority of its members.

(7) The members of a judicial nominating commission shall serve for a term of four years except the terms of the initial members of the judicial nominating commissions shall expire as follows:

a. The terms of one member of category (a) (b) and (c) in subsection (c) (5) hereof shall expire on July 1, 1974;

b. The terms of one member of category (a) (b) and (c) in subsection (c) (5) hereof shall expire on July 1, 1976;

c. The terms of one member of category (a) (b) and (c) in subsection (c) (5) hereof shall expire on July 1, 1976;

(8) All fines and forfeitures arising from offenses tried in the county court shall be collected, and accounted for by clerk of the court, and deposited in a special trust account. All fines and forfeitures received from violations of ordinances or misdemeanors committed within a county or municipal ordinances committed within a municipality within the territorial jurisdiction of the county court shall be paid monthly to the county or municipality respectively. If any costs are assessed and collected in connection with offenses tried in county court, all court costs shall be paid into the general revenue fund of the state of Florida and such other funds as prescribed by general law.

(9) Any municipality or county may apply to the chief judge of the circuit in which that municipality or county is situated for the county court to sit in a location suitable to the municipality or county and convenient in time and place to its citizens and police officers and upon such application said chief judge shall direct the court to sit in the location unless he shall determine the request is not justified. If the chief judge does not authorize the county court to sit in the location requested, the county or municipality may apply to the supreme court for an order directing the county court to sit in the location. Any municipality or county which so applies shall be required to provide the appropriate physical facilities in which the county court may hold court.

(10) All courts except the supreme court may sit in divisions as may be established by local rule approved by the supreme court.

(11) A county court judge in any county having a population of 40,000 or less according to the last decennial census, shall not be required to be a member of the bar of Florida.

(12) Municipal prosecutors may prosecute violations of municipal ordinances.

(13) Justice shall mean a justice elected or appointed to the supreme court and shall not include any judge assigned from any court.

(d) When this article becomes effective:

(1) All courts not herein authorized, except as provided by subsection (d) (3) of this section shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior orders and judgments shall vest in the court that would have jurisdiction of the cause if thereafter instituted. All records of and property held by courts abolished hereby shall be transferred to the proper office of the appropriate court under this article.

(2) Judges of the following courts, if their terms do not expire in 1973 and if they are eligible under subsection (d) (7) hereof, shall become additional judges of the circuit court for each of the counties of their respective circuits, and shall serve as such circuit judges for the remainder of the terms to which they were elected and shall be eligible for election as circuit judges thereafter. These courts are: civil court of record of Dade county, all criminal courts of record, the felony courts of record of Alachua, Leon and Volusia counties, the courts of record of Broward, Brevard, Escambia, Hillsborough, Lee, Manatee and Sarasota counties, the civil and criminal court of record of Pinellas county, and county judge's courts and separate juvenile courts in counties having a population in excess of 300,000 according to the 1970 federal census.

(3) Municipal courts shall continue with their same jurisdiction until amended or terminated in a manner prescribed by special or general law or ordinances, or until January 3, 1977, whichever occurs first. On that date all municipal courts not previously abolished shall cease to exist. Judges of municipal courts shall remain in office and be subject to reappointment or reelection in the manner prescribed by law until said courts are terminated pursuant to the provisions of this subsection. Upon municipal courts being terminated or abolished in accordance with the provisions of this subsection, the judges thereof who are not members of the bar of Florida, shall be eligible to seek election as judges of county courts of their respective counties.

(4) Judges, holding elective office in all other courts abolished by this article, whose terms do not expire in 1973 including judges established pursuant to Article VIII, sections 9 and 11 of the Constitution of 1885 shall serve as judges of the county court for the remainder of the term to which they were elected. Unless created pursuant to section 9, such judicial office shall not continue to exist thereafter.

(5) By March 21, 1972, the supreme court shall certify the need for additional circuit and county judges. The legislature in the 1972 regular session may by general law create additional offices of judge, the terms of which shall begin on the effective date of this article. Elections to such offices shall take place at the same time and manner as election to other state judicial offices in 1972.

(6) County judges of existing county judge's courts and justices of the peace and magistrates' court who are not members of bar of Florida shall be eligible to seek election as county court judges of their respective counties.

(7) No judge of a court abolished by this article shall become or be eligible to become a judge of the circuit court unless he has been a member of bar of Florida for the preceding five years.

(8) The office of judges of all other courts abolished by this article shall be abolished as of the effective date of this article.

(9) The offices of county solicitor and prosecuting attorney shall stand abolished, and all county solicitors and prosecuting attorneys holding such offices upon the effective date of this article shall become and serve as assistant state attorneys for the circuits in which their counties are situate for the remainder of their terms, with compensation not less than that received immediately before the effective date of this article.

(e) Limited operation of some provisions.—

(1) All justices of the supreme court, judges of the district courts of appeal and circuit judges in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. All members of the judicial qualifications commission in office upon the effective date of this article shall retain their offices for the remainder of their respective terms. Each state attorney in office on the effective date of this article shall retain his office for the remainder of his term.

(2) No justice or judge holding office immediately after this article becomes effective who held judicial office on July 1, 1957, shall be subject to retirement from judicial office because of age pursuant to section 8 of this article.

(f) Until otherwise provided by law, the nonjudicial duties required of county judges shall be performed by the judges of the county court.

(g) All provisions of Article V of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this revision shall become statutes subject to modification or repeal as are other statutes.

(h) The requirements of section 14 relative to all county court judges or any judge of a municipal court, who continues to hold office pursuant to subsection (d) (3) hereof being compensated by state salaries shall not apply prior to January 3, 1977, unless otherwise provided by general law.

(i) Deletion of obsolete schedule items.—The legislature shall have power, by concurrent resolution, to delete from this article any subsection of this section 20 including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

(j) Effective date.—Unless otherwise provided herein, this article shall become effective at 11:59 o'clock P.M., Eastern Standard Time, January 1, 1973.

—was taken up, read the first time, same having been determined by the President to be within the purview of the Governor's call.

On motion by Senator Karl, by two-thirds vote, SJR 52-D was read the second time, by two-thirds vote was read the third time in full. The Secretary called the roll and SJR 52-D passed with the required constitutional three-fifths vote and was certified to the House. The vote was:

Yeas—33

Mr. President	Gong	Lewis (33rd)	Scarborough
Barron	Graham	Lewis (43rd)	Trask
Barrow	Gunter	McClain	Ware
Beaufort	Haverfield	Myers	Weissenborn
Broxson	Hollahan	Plante	Williams
Deeb	Horne	Poston	Wilson
de la Parte	Johnson (29th)	Reuter	
Ducker	Karl	Saunders	
Fincher	Knopke	Saylor	

Nays—14

Arnold	Brannen	Henderson	Stolzenburg
Bell	Brantley	Johnson (34th)	Weber
Bishop	Childers	Lane	
Boyd	Daniel	Pope	

On motion by Senator Barron, by two-thirds vote, the Senate reverted to—

INTRODUCTION

By Senator Barron—

SB 53-D—A bill to be entitled An act relating to a special election to be held on March 14, 1972, pursuant to Section 5 of Article XI of the State Constitution for the approval or rejection by the electors of Florida of a joint resolution revising Article V of the State Constitution relating to the judicial branch of government; providing for publication of notice and procedures; providing an effective date.

—was read the first time by title. On motion by Senator Barron, the rules were waived and the bill was placed on the calendar.

On motions by Senator Barron, by two thirds vote, SB 53-D was read the second time by title, by two-thirds vote was read the third time by title, passed with the required constitutional three-fourths vote and certified to the House. The vote was:

Yeas—44

Mr. President	Childers	Horne	Pope
Arnold	Daniel	Johnson (29th)	Poston
Barron	Deeb	Johnson (34th)	Reuter
Barrow	de la Parte	Karl	Saunders
Beaufort	Ducker	Knopke	Saylor
Bell	Fincher	Lane	Scarborough
Bishop	Gong	Lewis (33rd)	Trask
Boyd	Graham	Lewis (43rd)	Ware
Brannen	Gunter	McClain	Weissenborn
Brantley	Haverfield	Myers	Williams
Broxson	Hollahan	Plante	Wilson

Nays—3

Henderson	Stolzenburg	Weber
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By unanimous consent Senators Henderson and Weber changed their votes from nay to yea.

On motion by Senator Hollahan, it was agreed by two-thirds vote that when the Senate adjourns it adjourn to reconvene at 12:00 noon, December 9, 1971.

On motion by Senator Hollahan, the Senate adjourned at 11:15 p.m. to reconvene at 12:00 noon, December 9, 1971.